

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SANDY M. MCKINNEY,)
)
 Plaintiff,)
)
v.)
)
GULFSTREAM and SECURITAS,)
)
 Defendants.)

Case No. CV416-066

REPORT AND RECOMMENDATION

Previously, the Court ordered *pro se* plaintiff Sandy McKinney to supplement his incomplete and insufficient *in forma pauperis* (IFP) application. Doc. 3. He submitted a new application, but never answered seven questions the Court posed,¹ see doc. 4, despite a warning

¹ Those questions:

- (1) What he spends each month for basic living expenses such as food, clothing, shelter, and utilities, and the dollar value of any public or private assistance he may receive;
- (2) Where he gets the money to pay for those expenses (include all “off-the-books” income, whether in cash or in-kind);
- (3) Whether he owns any means of transportation and, if he does not, whether he has regular access to same, as owned by another (including a rental company);

that “failure to comply with [that] directive” would fetch a dismissal recommendation. Doc. 3 at 5.

That warning was no idle threat and, therefore, this case should be **DISMISSED WITHOUT PREJUDICE**. See L.R. 41(b); see *Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (district courts may *sua sponte* dismiss an action pursuant to Fed. R. Civ. P. 41(b) if the plaintiff fails to comply with court rules or a court order); *Donaldson v. Clark*, 819 F.2d 1551, 1557 n. 6 (11th Cir. 1987) (district court has inherent authority to sanction parties for “violations of procedural rules or court orders,” up to and including dismissals with prejudice); *McKinley v. FDIC*, 2016 WL 930291 at * 2 (11th Cir. Mar. 11, 2016) (affirming this Court’s Rule 41(b) dismissal because “(1) Plaintiff

(4) Whether he possesses a cellular telephone, TV set, and any home electronics equipment (include estimated value and related carrying expenses, such as carrier and subscription fees);

(5) Whether he is the account owner, or has signature power, as to any accounts with a bank or other financial institution;

(6) Whether he anticipates any future income within the next year;

(7) A list of any other cases showing an indigency-based, filing fee reduction or waiver granted by any other court (include the full case name, case number and the name of the court granting same).

Doc. 3 at 4-5.

blatantly flouted the magistrate judge's order, (2) the order warned Plaintiff of dismissal, and (3) the district judge dismissed without prejudice").

SO REPORTED AND RECOMMENDED, this 15th day of March, 2016.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA